



City of NORFOLK


C: Dir., Department of Planning and Community Development

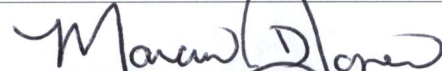
To the Honorable Council
City of Norfolk, Virginia

May 13, 2014

From: George M. Homewood, AICP CFM, Planning Director

Subject: **Text Amendment to Align Local Stormwater Management Criteria with State Requirements**

Reviewed:  Ronald H. Williams, Jr., Assistant City Manager **Ward/Superward: Citywide**

Approved:  **Item Number: PH-2**
Marcus D. Jones, City Manager

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **6 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** Amend section 11-2 "Chesapeake Bay Preservation Area" Overlay District and Chapter 26 "Site Plan Review" to comply with State stormwater management requirements.
- IV. **Applicant:** City Planning Commission
- V. **Description**
 - The existing stormwater management regulations must be updated to be consistent with new Commonwealth of Virginia water quality and water quantity standards.
 - The Department of Public Works has developed a new stormwater manual that will be adopted by reference into chapter 41.2, "Virginia Stormwater Management Program", of the City Code.
 - With the adoption of these updated standards in the City Code, the old design standards in the *Zoning Ordinance* will be removed and referenced directly to the new section of the City Code.
- VI. Staff point of contact Robert Tajan, AICP at 664-4756, Robert.Tajan@norfolk.gov

Attachments:

- Staff Report to CPC dated January 23, 2014 with attachments
- Proponents and Opponents
- Ordinance



City of NORFOLK

To the City Planning Commission
City of Norfolk, Virginia

January 23, 2014

From: Robert J. Tajan, AICP, CFM ^{RJT}
Senior Planner

Subject: Amend section 11-2
"Chesapeake Bay Preservation Area"
Overlay District and Chapter 26 "Site
Plan Review" to comply with State
stormwater management
requirements.

Reviewed: Leonard M. Newcomb, III, CFM ^{LNN}
Land Use Services Manager

Ward/Superward: Citywide

Approved:

George M. Homewood, AICP, CFM
Acting Planning Director

Item Number: 2

- I. **Recommendation:** Staff recommends approval, as the additional changes being made to the City Code will enhance stormwater management requirements.
- II. **Applicant:** City Planning Commission on behalf of the Planning Department.
- III. **Description:**
This agenda item is a Text Amendment to remove stormwater management development standards from the *Zoning Ordinance* and replace them with new more stringent standards which will be located in a new Stormwater Manual that will be referenced in the City Code.
- IV. **Analysis**
Plan Analysis
 - The Promoting Environmental Sustainability chapter of *plaNorfolk2030* includes an outcome calling for enhanced water quality in the City's waterways.
 - The proposed changes to the Zoning Ordinance, in conjunction with the proposed amendments to the City Code, are consistent with this outcome.Zoning Analysis
 - The existing stormwater management regulations must be updated to be consistent with new Commonwealth of Virginia water quality and water quantity standards.
 - The new standards are more stringent and require better treatment of water before it leaves a development site.

- Compliance with the stormwater management and erosion and sediment control requirements are done by the Bureaus of Environmental Services in Planning and Environmental Stormwater in Public Works.
- The Department of Public Works has developed a new stormwater manual that will be adopted by reference into chapter 41.2, “Virginia Stormwater Management Program”, of the City Code.
 - The new manual will provide clear guidance on how developments will be required to comply with the new regulations.
 - An administrative appeals board, as allowed by the state code, will be created to hear any cases of parties aggrieved by the new regulations.
- With the adoption of these updated standards in the City Code, the old design standards in the *Zoning Ordinance* will be removed and referenced directly to the new section of the City Code.
 - Referencing the new section will reduce redundancy and confusion within the City Code.
 - Environmental Stormwater and Environmental Services will continue to review sites for stormwater management compliance during the site plan review process.
 - Site plan review and development approvals will continue to be administered by the Planning Department.

Traffic Analysis

N/A

V. Financial Impact

Developments will incur additional design costs with the new stormwater regulations required by the Commonwealth of Virginia.

VI. Environmental

The proposed City Code revisions should have a positive environmental impact on development with the additional stormwater management requirements which will go into effect July 1, 2014.

VII. Community Outreach/Notification

Legal notification was placed in *The Virginian-Pilot* on January 9 and 16.

VIII. Coordination/Outreach

This request has been coordinated with the Departments of Planning and Community Development, Public Works and the City Attorney’s Office.

Supporting Material from the Department of Planning and Community Development

- Proposed Text
- Request for Text Amendment

Proponents and Opponents

Proponents

None


Opponents

None

Form and Correctness Approved: 

Contents Approved: 

By 
Office of the City Attorney

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO AMEND AND REORDAIN CERTAIN PORTIONS OF SECTION 11-2 AND CHAPTER 26 OF THE ZONING ORDINANCE OF THE CITY OF NORFOLK, 1992, SO AS TO ACCOMMODATE CHANGES TO THE CITY'S STORM WATER MANAGEMENT REGULATIONS AS REQUIRED BY STATE LAW.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That portions of section 11-2.9 of the Zoning Ordinance of the City of Norfolk, 1992, (as amended), entitled "Performance Standards," is hereby amended and reordained to adjust the language in subsections (b)(5), (d), and (e) in order to accommodate changes to the City's storm water management regulations as required by state law. The revised text shall read as set forth in Exhibit A," attached hereto.

Section 2:- That the following portions of Chapter 26 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Site Plan Review," are hereby amended and reordained so as to accommodate changes to the City's storm water management regulations as required by state law:

- (a) The text of subsections 26-2.1 and 26-2.4 are adjusted to read as set forth in "Exhibit B", attached hereto;
- (b) The text of subsection 26-4 is adjusted to add item (t), as set forth in "Exhibit C", attached hereto;
- (c) The text of section 26-5 is adjusted to read as set forth in "Exhibit D", attached hereto;
- (d) The text of section 26-8 is adjusted to read as set forth in "Exhibit E", attached hereto; and
- (e) The text of subsections 26-13.1, 26-13.5, and 26-13.6(f) are adjusted to read as set forth in "Exhibit F", attached hereto.

Section 3:- That this ordinance shall be effective on July 1, 2014 and thereafter.

ATTACHMENTS:

Exhibit A (2 pages)
Exhibit B (1 page)
Exhibit C (1 page)
Exhibit D (1 page)
Exhibit E (1 page)
Exhibit F (2 pages)

EXHIBIT A

11-2.9 *Performance Standards.*

...

- (b) *General performance standards for development and redevelopment.*

...

- (5) For any development or redevelopment, stormwater runoff shall be controlled by the use of best management practices that achieve the standards of Section 41.2 of the Norfolk City Code, "Virginia Storm Water Management Program", and in compliance with the Virginia Stormwater Management Regulations of the Virginia Administrative Code.

...

...

- (d) Flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed may be allowed in Resource Protection Areas, where the following conditions are met:
- (1) The location of the facility is the optimum location;
 - (2) The size of the facility is the minimum necessary to provide necessary flood control, stormwater treatment, or both;
 - (3) The facility is consistent with a stormwater program approved by the Virginia State Water Control Board;
 - (4) All applicable State and Federal permits are obtained from the appropriate federal and state agencies having jurisdiction;
 - (5) Approval is received from the Zoning Administrator prior to construction; and
 - (6) Routine maintenance is performed on such facilities to assure that they continue to function as designed.
- (e) For all projects not subject to either the continuation of Virginia Stormwater Management Program Construction General Permits or the grandfathering provisions set forth in the Virginia Administrative Code, the stormwater management criteria consistent with the water quality

protection provisions of Section 41.2 of the Norfolk City Code, "Virginia Storm Water Management Program" and the Virginia Stormwater Management Regulations of the Virginia Administrative Code shall be satisfied. A project constructed under the provisions of a Virginia Stormwater Management Program Construction General Permit shall comply with the water quality standards in effect as of the date of registration under the General Permits program. A project constructed under the grandfathering regulations of the Virginia Administrative Code shall comply with the provisions of Section 41.2 of the Norfolk City Code, "Virginia Storm Water Management Program".

- (1) The following stormwater management options shall be considered to comply with this requirement:
 - (aa) Incorporation on the site of best management practices that meet the water quality protection requirements set forth in Section 41.2 of the Norfolk City Code, "Virginia Storm Water Management Program";
 - (bb) Compliance with a locally adopted regional stormwater management plan or program, which may include a Virginia Stormwater Management Program (VSMP) permit issued by the Department of Environmental Quality to a local government for its municipally owned separate storm sewer system discharges, that is reviewed and found by the Virginia State Water Control Board to achieve water quality protection equivalent to that required by this subsection; and
 - (cc) Compliance with a site-specific VSMP permit issued by the Department of Environmental Quality, provided that the Director of Public Works specifically determines that the permit requires measures that collectively achieve water quality protection equivalent to that required by this subsection.
- (2) Any maintenance, alteration, use or improvement to an existing structure that does not degrade the quality of surface water discharge, as determined by the Director of Public Works, may be exempted from the requirements of this subsection.
- (3) Stormwater management criteria for redevelopment shall apply to any redevelopment, whether or not it is located within an Intensely Developed Area designated by the City of Norfolk.

EXHIBIT B

26-2 Scope of application.

- 26-2.1 *Principal uses.* The standards within this chapter shall apply to new construction and substantial reconstruction, as defined in Chapter 2, of all residential uses and structures (except single-family detached dwellings within subdivisions that are grandfathered or exempt from the stormwater management provisions in section 42.5-7(f) of the City Code) including condominium units, new construction, and substantial reconstruction of all nonresidential uses and structures.
- 26-2.2 *Additions to principal uses or structures.* Except in CBPA areas, as provided for in section 26-2.4, minor site plan review shall be required for building additions that involve 2500 square feet or more of ground floor expansion and/or the addition of 2500 square feet or more of impervious area.
- 26-2.3 *Accessory uses.* Site plan review shall not be required for accessory uses and structures (as defined in Article III, Chapter 13 of this ordinance). However, such uses may be reviewed in conjunction with the review of principal structures when such accessory structures are shown on the site plan.
- 26-2.4 *Chesapeake Bay Preservation Area.* Development or redevelopment in a Chesapeake Bay Preservation Area (CBPA) with 2500 square feet or more of land disturbance, except for single-family residential construction, shall be accomplished through the CBPA major site plan review process and shall also comply with the stormwater management requirements of Section 41.2 of the Norfolk City Code, "Virginia Storm Water Management Program". All development and redevelopment with less than 2500 square feet of land disturbance in a Chesapeake Bay Preservation Area, all single-family residential construction and land disturbing activities greater than or equal to 2500 square feet shall be accomplished through the CBPA minor site plan review process.

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EXHIBIT C

26-4 Site plan content.

Every site plan shall contain the following information:

...

- (t) The stormwater management information necessary to review compliance with the standards of Section 41.2 of the Norfolk City Code, "Virginia Storm Water Management Program".

...

The zoning administrator may waive some of the above listed requirements if he determines it to be unnecessary due to the scope and nature of the proposed development.

EXHIBIT D

26-5 Erosion and sediment control.

Measures taken for erosion and sediment control shall conform to the standards and procedures set forth in Chapter 15 of the Norfolk City Code. The manager of the bureau of environmental services may review and approve the erosion and sediment control plan and issue a land disturbing activity permit prior to site plan approval.

EXHIBIT E

26-8 Stormwater drainage.

Provisions for storm surface drainage shall be in accordance with the design standards of Section 41.2 of the Norfolk City Code, "Virginia Storm Water Management Program".

EXHIBIT F

26-13 Chesapeake Bay Preservation Areas.

Plan submission requirements in a Chesapeake Bay Preservation Area (CBPA) shall conform to the provisions of section 26-13.1 or section 26-13.2 as defined below:

26-13.1 *CBPA major site plan content.* In addition to the general requirements of section 26-4 of this chapter, submissions required for site plan review shall consist of the plans and studies identified below. These required plans and studies may be coordinated or combined, as deemed appropriate by the zoning administrator. The zoning administrator may determine that some of the following information is unnecessary due to the scope and nature of the proposed development.

The following plans, studies or permits shall be submitted, unless otherwise provided for:

- (a) A site plan in accordance with the provisions of section 26-4 of this chapter.
- (b) An environmental site assessment.
- (c) A landscape plan.
- (d) A stormwater management plan in accordance with Section 41.2 of the Norfolk City Code, "Virginia Storm Water Management Program".
- (e) An erosion and sediment control plan in accordance with the provisions of Chapter 15 of the City Code.
- (f) A water quality impact statement, when applicable.
- (g) All wetlands and dune/beach permits required by law.
- (h) Construction notes as required.
- (i) Copies of all applicable tree and fill permits.

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26-13.5 *Stormwater management plan.*

- (a) *Plan required.* A stormwater management plan shall be submitted as part of the CBPA major site plan review process except for single-family residential development within subdivisions that are

grandfathered or exempt from the stormwater management provisions in section 42.5-6(f) of the City Code.

- (b) *Contents of the plan.* The stormwater management plan shall include all information necessary to review compliance with the standards of Section 41.2 of the Norfolk City Code, "Virginia Storm Water Management Program".

26-13.6 *Water quality impact assessment.* A water quality impact assessment shall be required for any development except those uses exempt from the stormwater management requirements in section 42.5-7(f) of the City Code, which (1) exceeds 5,000 square feet of land disturbance or land disturbing activity within Chesapeake Bay Preservation Areas and requires any modification or reduction of the landward fifty (50) feet of the 100-foot buffer area; (2) disturbs any portion of any other component of a resource protection area or disturbs any portion of the buffer area within fifty (50) feet of any other component of a resource protection area; or (3) is located in a resource management area and is deemed necessary by the director. The information required in this section shall be considered a minimum, unless the director determines that some of the elements are unnecessary due to the scope and nature of the proposed use and development of land or when the elements of the assessment are duplicative of information submitted in other required plans under this article.

The following elements shall be included in the preparation and submission of a water quality assessment:

...

- (f) As part of the water quality impact assessment submittal, the director may require review by the Virginia State Water Control Board. Upon receipt of the water quality impact assessment, the director will determine if such review is warranted and may request that the Virginia State Water Control Board review the assessment and respond with written comments. Any comments by the Virginia State Water Control Board will be incorporated into the final review by the director provided that such comments are provided by the Board within ninety (90) days of the request.

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